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OFFICE OF PETITIONS

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In re Application of
Siegfried Hildebrandt
Application No. 09/621,870
Filed: September 15, 1999
Attorney Docket No US 4037

DECISION GRANTING PETITION

This is a decision on the petition filed November 22, 2004, requesting that the subject application be accorded a filing date of September 15, 1999, rather than the currently accorded filing date of July 21, 2000.

The petition is **granted**.

The instant application was filed on September 15, 1999, but was apparently lost by the Patent and Trademark Office. The application was located and accorded a filing date as of the date it was located. The record reflects that a petition to accord a correct filing date was first filed on February 22, 2000, and again on November 21, 2000.

The instant petition was accompanied by an Office-date stamped postcard acknowledging receipt of the application on September 15, 1999. The postcard is *prima facie* evidence that the application papers were, in fact, received on September 15, 1999. The application is, therefore, accorded a filing date of September 15, 1999. Petitioner is advised that the application is currently in an abandoned status due to a failure to respond to an Office action. This decision does not affect the abandoned status of the application.

The application is being forwarded to the Office of Initial Patent Examination with a filing date of September 15, 1999; the Office of Initial Patent Examination will issue a corrected filing receipt reflecting the filing date of September 15, 1999.

Any inquiries related to this decision should be directed to the undersigned at (571)272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions